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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

Application Number

10/663,419

Filing Date

09/16/2003

First Named Inventor

SACKS, Abraham

Art Unit

3635

Examiner Name

HORTON, Yvonne Michele

Attorney Docket Number

050601

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☒

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐Power of Attorney, Revocation
Change of Correspondence Address☐

Terminal Disclaimer

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After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☐Other Enclosure(s) (please identify
below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Printed name

George S. Levy, Patent Agent

Date

12/04/2006

Reg. No.

53211

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Signature

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George S. Levy, Patent Agent

Date

12/04/2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: IMPROVED TWIN TRACK WIRE LATH
Application No.: 10/663,419
Filing Date: 09/16/2003
Inventor: SACKS, Abraham et al.
Group Art Unit: 3635
Examiner: HORTON, Yvonne Michele
Attorney Docket No: 050601
Date: 11/10/2006

To: Commissioner for Patents, USPTO
P.O. Box 1450, Alexandria VA 22313-1450

Dear Examiner Horton:

Please note that a telephone interview was conducted on 10/13/2006. The examiner's written report is quoted below:

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: During this interview, it was established that the 35 U.S.C. 132(a) rejection of new matter was in error. The applicant's attorney submitted tentative amendments that the examiner felt would not place the claims in condition for allowance. She did; however, suggest that any further amendments to the claims should focus more on the fact that there is no longitudinal strand disposed on or in the crest of the furr. Although this suggestion was made, the applicant's representative was informed that a detailed updated search would need to be performed, accordingly. The applicant's representative suggested submitting an affidavit regarding shipment of the device, the examiner expressed that a review thereof would also have to be performed in order to give a more definitive reply.

We agree with the examiner's assessment that the 35 USC 132(a) rejection was in error. We do not agree with the examiner that a new search is necessary since the original claims were clear in stating that the spacing furrs are situated between longitudinal strands. This topic has been on the examiner's desk through four office actions, the filing of an appeal and the subsequent reopening of the prosecution by the examiner. At this point, it is unreasonable for her to claim she needs a new search regarding this point. More discussion on this subject will be presented below in response to the office action of 09/05/2006.

We also remind the examiner that a petition to make special on the basis of age is in the records.